APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SHORTLEDGE, THOMAS E

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Specification

1.   The title of the invention is not descriptive. A new title is required that is
clearly indicative of the invention to which the claims are directed.

2.   The disclosure is objected to because of the following informalities: For
the application to properly claim benefit of provisional application 60/196,303,
filed on 04/12/2000, there must be a reference made to the provisional
application cited in the first sentence of specification.

    Appropriate correction is required.

Claim Objections

3.   Claim 4 is objected to because of the following informalities: claim 4
contains two sentences, whereas a claim is to be made up of only one sentence.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 5 recites a limitation with "substep (i) or substep (ii)" in line 3. There

is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites a limitation with "substep (i)" or "substep (iii)" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation " substep (v)" in line 6. There is insufficient

antecedent basis for this limitation in the claim.

The examiner has interpreted:

"substep (i)" to be lines 3-6 of claim 4;

"substep (ii)" to be lines 7-8 of claim 4;

"substep (iii)" to be lines 1-4 of claim 6; and

"substep (v)" to be lines 2-4 of claim 7.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before

the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kelman et al. (2004/0093255 A1)

        As to claims 1, 18 and 21, Kelman et al. teach:

        A computer with a program storage device, tangibly embodying a program

of instructions executable by the computer to perform methods steps for

supplying comparative information about at least two specified items out of a

group of items belonging to any one category, each item of the group having a

corresponding data entry in the computer's storage, the data entry including a

name, at least one topic and information associated with each topic, the method

comprising (sales information relating to products is stored on a computer, where

there is a sales effectiveness application, consisting of five modules, where one

is a compare module. The content of the inputted data may be from brochures,

white papers, website content, and interviews with customers. Where the data

may include valuable information that may be placed in several different

categories, such as the strong and weak points of a particular product, page 3,

paragraph 0057. It would be inherent that a name of the data entry would be

included when the data is stored);

        retrieving from storage data entries corresponding to the specified items

(comparing matrices that take into accounts the prospect's industry, business

requirements, and key features, where the data is supplied by World Wide Web,
page 4, paragraphs 60 and 61);

among said retrieved entries comparing information associated with like
topics, (creating a compare matrix, that creates scores for each feature of the
product, page 4, paragraphs 61-63); and

constructing one or more natural language sentences that reflect results of
said retrieving and said comparing (the generate module is able to create
automatic, dynamic documents, that include feature and benefit statements,
customer and analyst quotes, or competitive comparisons, page 5, paragraph
74).

As to claim 2, Kelman et al. teach there are also specified topics, and
comparing is confined to the specified topics, (the user is able to choose what
topics of the product are to be compared, page 4, paragraph 66).

As to claims 3 and 19, Kelman et al. teach information associated with
each topic (features) includes at least one value, not all stored data entries of any
group necessarily include identical topics and said comparing includes
comparing values associated with like topics if any, (a matrix is created that
compares features of different products, that is able to use numeric scores to
provide comparisons, where each product may not contain all the features, table
4, paragraphs 61 and 62, and Table 1).

As to claim 4, Kelman et al. teach for any topic common to at least two of the received entries –

finding within said at least two of the retrieved entries any values that are mutually equal, grouping all items that correspond to any thus identified value together as a similarity group, noting their names and associating said group with said common topic (feature) and with said equal value (a matrix is used to compare the scores of each of the products for each of the features, products that have matching features are then grouped together and their scores are turned into a comparison document within the supporting qualitative information. The comparison document is able to examine the scores for each product, and state those product that have scored equally, where the comparison document states the names of each product, and the feature compared, page 5, paragraph 68-70, and figures 3, and 4);

if no equal values are found, noting the names and values of all corresponding items, in association with said common topic (the comparison document of fig. 4 is able to find those features where the products scored differently, and create a document relating those products to each other, stating which scored higher within the selected feature, page 5, paragraph 68-70, and figures 3, and 4).

As to claim 5, Kelman et al. teach constructing a natural language statement (comparison document) for each of said common topic which reflect respective results of substep (i) or substep (ii), (a comparison document is

created for the scores retrieved for the matrix, the comparison document relates

the how the products scored on common features, page 5, paragraph 70, and fig.

4).

As to claim 6, Kelman et al. teach for any item in any similarity group –

finding in the corresponding retrieved entry one or more values, if any,

associated with the respective topic, that are different from the respective

common value and noting any thus found value in association with the respective

name and the respective topic; and constructing a natural language statement

that includes the name and values noted in substep (iii) and appending it to the

statement that reflects results of substep (i) with respect to the noted topic,

(Table 1 shows similarity groups within different subranges of a topic, where

each of the similarity groups is made up of a range of values. Within each

similarity group, the scores are related to each other and a comparison statement

is created based on the relation, (page 4, paragraph 61-63). The comparison

statement inherently finds the products within a certain similarity group that have

different values).

As to claim 7, Kelman et al teach. identifying any topic that is not common

to any two or more of the retrieved entries, and noting one or more values

associated with the thus identified topic in the respective entry, together with the

respective name, (a comparison matrix is created, noting the scores for each

product within each feature, where a comparison document is created, relating

products with similar features together, (page 5, paragraphs 68-70, fig. 4). It

would be inherent that in the case a feature is a part of only one product, the

comparison document would note that only one product contained that feature).

As to claims 8 and 20, Kelman et al. teach any topic is associated with a

range of values, extending between two extreme values, and with a numerical

scale whose minimum and maximum values correspond to respective extreme

values of the range, such a topic being a fuzzy topic, (Table 1 shows the process

of creating a range of values for any given topic, creating minimum and

maximum values, with extreme values, page 4, paragraph 62);

In any data entry the information associated with any fuzzy topic includes a

position number within the respective scale, which number corresponds to a

value within the respective range (Table 1, shows a range of values, where each

values corresponds to a certain output graphic and remark, page 4, paragraph

62); and

said comparing includes, with respect to any fuzzy topic, comparing the

respective position numbers (the score is compared against the table, and a

significance statement is applied based on that comparison, page 4, paragraphs

62 and 63).

As to claim 9, Kelman et al. teach finding among the said retrieved entries

the highest and lowest position values, dividing the values between them into

one or more identified subranges, associating each item with one of said

subranges according to the corresponding position value and grouping all items according to their associated subranges, noting their respective names and noting for each group its respective subrange and the common topic, (Table 1 shoes a topic that has been divided into 3 separate value subranges, where each subrange leads to a different output. The products can them be compared based on the subranges, and the significance remarks linked to each of the subranges, where a competitive statement can be created, which would inherently include the names, and scores of each product within that feature, page 4, paragraph 62, and 63).

As to claim 10, Kelman et al. teach any fuzzy topic is associated with a set of rational words, appropriate to its range of values, and wherein said constructing includes constructing, for any noted topic, natural language statements containing noted names, and relational words that reflect positions of respective subranges relative to each other or relative to said highest and lowest position values or relative to said scale, (Table 1 shows a topic divided into 3 subranges of scores, where each subrange is linked to a significance statement, relating the score to more detail explanation of the range of values the score fell into, page 4, paragraph 62).

As to claim 11, Kelman et al. teach the relational words refers to one end of the range of values as being better or preferred relative to the other end, (the

statements within Table 1, show that a score of 6-10 is preferable to a score of 0, page 4, paragraph 62).

As to claim 12, Kelman et al teach the relational words refer to one or more values that are between the extremes of the range, (Table 1 shows a statement stating the significance of the values from 1-5, stating why this score is better than a score of 0, but inferior to a score of 6-10, page 4, paragraph 62).

As to claim 13, Kelman et al teach:

providing a plurality of statement templates, whereby each possible combination of a topic and category of items is associated with a particular template (the generate module includes a document generator, where the generator module steps the salesperson through a brief interview asking for various inputs about the prospects wants and needs, and with a matter minutes, the document generation engine creates highly readable target documents, which may include feature and benefit statements, (page 5, paragraph 74). It would be inherent that since the documents are automatically generated from the brief inputs, the documents generator would use templates to create the statements);

inserting any names, topics and values resulting from said comparing into appropriate places in an appropriate one of said templates, (the document generator is able to automatically create comparison documents based on the supplied inputs from the salesperson, (page 5, paragraph 74). It would be

inherent that such a document would include inserting the name, topics, and

values from the comparing into the appropriate places, to properly automatically

create a comparison document).

As to claim 14, Kelman et al. teach constructing further includes

combining a plurality of said statements having at least one item in common into

a sentence, using connective words appropriate to the comparison-based

relation between the respective statements, (a comparison document is created

that can include the statements of the features of the products, benefits of each

product and a competitive comparison, (page 5, paragraph 74). It would be

inherent that the competitive comparison would use the appropriate connective

words to link the comparison statements within the comparision).

As to claim 16, Kelman et al. teach at least one topic is fuzzy and at least

one topic has one or more values associated therewith and wherein said plurality

of statements includes at least one statement relating to a fuzzy topic and at

least one statement relating to one or more values, (Table 1 represents a topic

divided into subranges, where each range of values is associated with a

statement describing that subrange, page 4, paragraph 63).

As to claim 17, Kelman et al. teach creating in the computer storage a

data entry corresponding to any item for which such an entry does not exist, the

data entry including –

a name,

at least one topic, at least on of which is a fuzzy topic, and,

associated with any fuzzy topic, a position number, (a computer system on

which a matrix is created, wherein the matrix includes a comparison of products

by features, and has the ability to create a topic that is broken down into ranges,

where a score is given to each product for each feature, and the score is

compared to the subranges of the topic, (page 4, paragraphs 60-63). It would be

inherent that since the data gained from the matrix is then converted into a

comparison document, the data is stored on the computer system).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kelman et al. in view of claim 14 above.

As to claim 15, Kelman et al. teach:

providing a library of connective phrases (a database containing feature

and benefit statements, or consumer and analyst quotes, competitive

comparisons, or personal annotations written by the salesperson, page 5,

paragraph 72);

Kelman et al. does not explicitly teach:

selecting one or more phrases from said library at random; nor

concatenating a plurality of sentences that relate to a common category,

whereby they are augmented by said selected phrases.

However, Kelman et al teach automatically creating a document by

inserting the information supplied by the user within a selection of phrases based

on the product, where the phrases along with the supplied information are

connected together to create a comparison document. It would have been

obvious to one of ordinary skill in the art at the time of the invention that since the

phrases within the database can be used interchangeable to describe the relation

the product's features, a selection of phrases could be made at random from the

database, and then inserted into the comparison document to improve the ability

for the dynamic document generator to automatically create a document.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Eldering (2002/0194058), Yoda (5,515,268), Harris

(6,304,854), Deffler et al. (6,385,610), Ng (6,406,175), Martin et al. (6,606,607),

Pool et al. (6,460,020), Langhammer (2002/0099622), Perkowski

(2002/0004753), and Sugiyama et al. (5,870,716).

Eldering teaches describing the profiles of the consumers based on their

demographics and product purchase preferences.

Yoda teaches helping consumers order products by finding wanted

products based on their profiles.

Harris teaches finding a comparable product based on the input product.

Deffler et al. teach comparing models of data, and finding the matching

signatures.

Ng teaches product/price database that allows the user to search the

Internet for products from many different suppliers.

Martin et al. teach a method of comparing the prices of bids for an online

auction site.

Pool et al. teach an online universal shopping center for international

orders.

Langhammer teaches finding the matching supplier based on the

consumers selected product and price.

Perkowski teaches supplying product-related information over the internet

to the consumer.

Sugiyama et al. teach a shopping system for registering and monitoring

the sale of merchandise.

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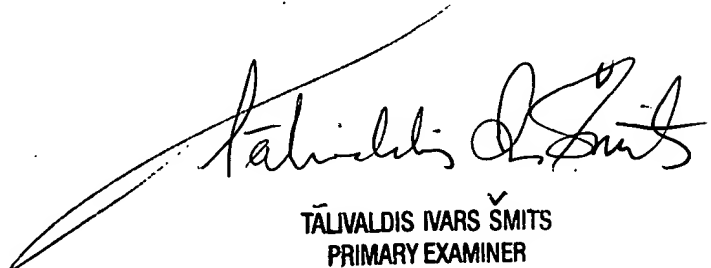Art Unit: 2654

10.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Thomas E Shortledge whose telephone

number is (703)605-1199. The examiner can normally be reached on M-F 8:00 -

4:30.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Talivaldis Smits can be reached on (703)306-3011. The

fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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free).

TS
12/22/04

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER